

Environmental Justice news

A Newsletter from the EPA New England Environmental Justice Council



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Environmental Justice Revitalization Projects Chosen

To promote environmental justice and community revitalization, EPA's Office of Environmental Justice, in collaboration with the Federal Interagency Working Group on Environmental Justice (IWG), announced the selection of 15 Environmental Justice Revitalization Projects for 2003. The projects emphasize collaboration among two or more federal agencies, state and local governments, tribal governments, community-



based organizations, academia, non-governmental organizations and industry.

"These projects are living examples of how communities, government and
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◀ *Stacey Chacker, Director of Community Building and Environment at the Neighborhood of Affordable Housing in East Boston, MA, holds up the Chelsea Master Plan at a recent Environmental Justice Across the Mystic project meeting.*

U.S. Settles Case Against Rhode Island Landlord for Failing to Tell Tenants of Possible Lead-based Paint Hazards

The U.S. Department of Justice (DOJ), the Department of Housing and Urban Development (HUD) and the EPA announced in January a settlement in a case against a Providence landlord for failing to warn tenants that their homes may contain lead-based paint hazards.

Joseph DeLuca, a Providence City Council member, agreed to pay \$13,090 in civil penalties and to test for and remove lead-based paint hazards in 32 units in Providence. The settlement is the result of a joint initiative by DOJ, HUD and EPA, as well

as the state of Rhode Island, and involves violations of the disclosure requirements of the Residential Lead-Based Paint Hazard Reduction Act.

"Lead paint is an especially critical issue in Rhode Island, where much of the older, urban housing has lead-based paint," said Margaret E. Curran, U.S. Attorney for Rhode Island. "This consent decree demonstrates that government at both the federal and state levels can use a variety of legal tools and strategies to successfully and effectively address the lead paint problems."

"This agreement sends a clear message to landlords and home sellers that they have a responsibility to tell tenants and homebuyers about potential lead hazards," said Kevin Keogh, HUD's New England Regional Director. "Families, especially those with young children, have a right to know if their home can potentially poison them.."

Rober W. Varney, Regional Administrator of EPA's New England Office said, "Lead poisoning continues to be a major public health threat in New
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National Environmental Justice Advisory Council Holds Annual Meeting, Focus on Pollution Prevention

The National Environmental Justice Advisory Council (NEJAC) met in December to examine the issue of pollution prevention (P2). A comprehensive draft report, entitled "Advancing Environmental Justice Through Pollution Prevention" was presented at the meeting and comments were received from both the NEJAC members and the public at large. NEJAC expects to issue a final report within the next few months.

NEJAC is an advisory body to EPA on environmental issues of concern affecting low-income and minority communities throughout the U.S. The goal of NEJAC is to provide effective advice and recommendations to EPA on environmental issues of concern, and to provide a venue where community groups can raise issues to EPA for potential resolution or action.

Three years ago the NEJAC shifted the focus of its national meetings to broad public policy issues. Since 1999, the NEJAC has focused on the

following issues: the permitting process, community-based health research models, federal agency environmental justice implementation, and fish consumption and water quality standards.

"NEJAC hopes that the preparation and submission of issue focused recommendations will increase the likelihood of positive and timely action by EPA," said former NEJAC Chair Peggy Shepard.

Several approaches for P2 were discussed at the annual meeting, such as source reduction, waste minimization, sustainable development, and other innovative approaches to sys-

tematically reduce, eliminate and/or prevent pollution. A NEJAC Pollution Prevention Workgroup was formed, consisting of representatives from industry, academia, community activist networks, state regulatory agencies, tribal environmental networks and the legal community.

As an advisory council, NEJAC consists of the executive council and six standing subcommittees. These subcommittees are Air and Water, Enforcement, Health and Research, Indigenous Peoples, International and Waste and Facility Siting. The subcommittees met on the second day of the NEJAC meeting. Each subcommittee has developed draft strategic plans for the period September 2002-2004. The subcommittee reviewed and deliberated on their respective strategic plans at the meeting. For copies of the strategic plans or any of the Policy Issue Reports, contact Marva King of the EPA Office of Environmental Justice in Washington, D.C. at 202-564-2599.



Chair of National Environmental Justice Advisory Council Term Ends

After serving her two-year term as chair for the National Environmental Justice Council (NEJAC), Peggy Shepard recently stepped down. Shepard was the first female NEJAC chair. Her primary responsibilities were to develop the agendas for and convene one public meeting per year, biweekly conference calls with various NEJAC committees and workgroups.

Shepard is also the executive director and cofounder of the West Harlem

Environmental Action, Inc.(WE ACT). WE ACT is New York city's first environmental justice organization created to improve environmental policy, public health and quality of

WE ACT is New York city's first environmental justice organization created to improve environmental policy, public health and quality of life in communities of color.

life in communities of color. This organization has been recognized nationally in the field of community-based participatory research. The issues that WE ACT focuses on include environmental and social justice, land use, waterfront development, Brownfields redevelopment, transportation, air pollution and open space. EPA New England recognizes Shepard for her continued work in this area and wishes her luck in future endeavors.

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Veronica Eady, Lectures on Urban and Environmental Policy and Planning at Tufts University

Before becoming a faculty member in the Department of Urban and Environmental Policy and Planning at Tufts University in Medford, Mass., Veronica Eady worked as the Director of the Environmental Justice and Brownfields Programs for the Massachusetts Executive Office of Environmental Affairs (EOEA).

While at EOEA, Eady authored the first-ever environmental justice policy and program for Massachusetts' environmental agencies. Eady is also the Acting Chair of EPA's federal advisory committee for environmental justice, the National Environmental Justice Advisory Council (NEJAC).

Recently, Eady shared with EPA New England what she thinks are the biggest EJ-related problems facing the region in general, and the greater Boston area in particular, including air pollution from mobile sources, development and the amount of contaminated sites.

"I am particularly concerned about mobile sources," said Eady. "A lot of the escalating incidence of asthma and respiratory disease we are experiencing comes from mobile sources, and a lot of mobile sources are concentrated in minority and low-income communities."

Eady noted that development is happening quickly in New England, and a lot of impermeable surfaces are being

created which can cause water quality problems. Pollutants that would normally be filtered naturally in the ground can runoff impermeable surfaces directly into water bodies. Water pollution can make beaches unswimmable and unfishable, and Eady said she was particularly concerned that water pollution in New England compromises indigenous populations ability to harvest scallops, fish and tend cranberry bogs.

Lastly, Eady said that because there is such an old industrial history in New England, there are a lot of contaminated sites.

"Even though there is a lot of work being done (to clean up contaminated sites), in

these economic times it is difficult to identify appropriate land uses and get stakeholders at the table," said Eady. "Brownfields redevelopment is not community driven, but it really needs to be."

As the Acting Chair of NEJAC, Eady is also heavily involved with environmental justice at the national level. Eady formerly served as chair of the Waste and Facility Subcommittee of NEJAC, and some of her personal goals for NEJAC are to bring more structure, order and process to the council; improve consensus building; and put into writing how decisions are made. Eady would also like to improve coordination of the work

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Second National People of Color Summit

For the second time in nearly 12 years, national and international environmental activists gathered last October to address environmental racism issues at the National People of Color Environmental Leadership Summit, sponsored by the United Church of Christ. The event drew more than 1,400 leaders to assess the progress that has been made in the quest towards environmental justice and to develop a set of guidelines called the "Principles of Working Together."

Tremendous strides have been made to end environmental racism since the first summit in 1991. The conference recognized the individuals on the front line of the environmental justice movement who are committed to ending environmental racism.

Today, environmental justice networks have been formed all across the country—there are four

Tremendous strides have been made to end environmental racism since the first summit in 1991.

environmental justice centers and over 100 books on the subject. When the first summit was held in 1991, only one EJ-related book was in print.

The summit ended with leaders reaffirming their commitment to go back to their respective communities and continue to work towards environmental and economic justice.

Auto Body Shop Owners Participate in Program to Reduce Pollution



Owners and employees from 41 auto body shops attended the training program.

Photo courtesy of the JSI Center for Environmental Health Studies.

In March, 41 auto body shop owners and workers in Lawrence, Mass., attended a Spanish language Auto Body Training Program funded by a \$70,000 grant from EPA to better protect the environment and health of workers. Lawrence Mayor Michael Sullivan opened the program along with staff from the JSI Center for Environmental Health Studies (JSI) that received the grant.

The Auto Body Training Program taught workers at auto body shops how and where to get required environmental permits and how to properly use equipment and materials so pollution impacts can be minimized. Auto body shops work with numerous chemicals, including paints, solvents and rust removing agents. Regulations require equipment that minimizes the amount of fumes and chemicals released into the air and water, and the exposure of workers to these chemicals.

The training also included presen-

tations on the health effects of exposure to some of the chemicals used in shops and about safety equipment available to protect workers. An accountant and a representative from the Lawrence Small Business Center talked about business planning, loan programs and tax requirements.

Some attendees requested help filling out permit applications and filing the forms and more information on business plans and loan programs. JSI and the Small Business Center offered to host evening meetings to help shop owners fill out forms and organize a training program on business practices and loan programs. JSI has hired a part-time bilingual employee from Lawrence to conduct workshops and produce a videotape covering similar material.

For more information about the Auto Body Training Program contact Gretchen Latowsky of JSI at: 617-482-9485 or glatowsky@jsi.com.

cont. from page 1 Revitalization

the private sector are working together to secure environmental justice and revitalize communities. Local partnerships are essential to addressing community concerns through constructive and collaborative problem-solving," said Assistant Administrator of the EPA Office of Enforcement and Compliance Assurance, J. P. Suarez.

Many of these projects will involve the revitalization of idle or remediated land to benefit the community.

"These Environmental Justice Revitalization Projects are excellent opportunities to build the bridge between meaningful community involvement, environmental cleanup and sustainable reuse," said Marianne Horinko, Assistant Administrator of the EPA Office of Solid Waste and Emergency Response. "These projects represent community needs being addressed in a holistic and collaborative way and reaches the overall end goals of an environmentally healthy community, revitalized to address community needs."

One project in New England was among the 15 demonstration projects that the IWG selected throughout the country. The Chelsea Creek Restoration Project aims to improve environmental health and well-being of the communities of East Boston and Chelsea, Mass. The project has successfully increased available open space along the creek, most notably, the Condor Street Wild, the first park on the creek. The park, as well as all of the project's activities, has integrated community needs with business desires to obtain beneficial outcomes.

EPA convened the IWG, which is comprised of representatives from 11 federal agencies and several White House offices, under Executive Order 12898. For more information and to read about the other demonstration projects selected nationally, visit: www.epa.gov/compliance/environmentaljustice/interagency/index.html.

Archeological Survey Begins at New Bedford Harbor, Additional Funding for Cleanup Announced

EPA New England, the Wampanoag Tribe of Gay Head (Aquinnah), and the U.S. Army Corps of Engineers began an extensive archeological survey of an 18-acre area at the end of October to determine whether there are historical and cultural resources in an area slated for cleanup as part of the New Bedford Harbor Superfund site. In early November the administrator of the EPA's Superfund Program announced \$6.5 million of additional funding for the cleanup of the New Bedford site. Earlier archeological studies of a 30-acre area revealed the presence of some Native American artifacts.

"While our principal mission is to cleanup dirty sites and return them to productive use, we want to do that considering all the historical, social and cultural interests that may be involved," said Robert W. Varney, EPA New England's Regional Administrator. "We have been working closely with the tribe and other agencies, and will continue to do so throughout this project."

"The Wampanoag Tribe of Gay Head (Aquinnah) Tribal Historic Preservation Office has been working to insure the cultural resources of the Wampanoag people have been protected through the consultation process with the many departments of the U.S. Government and the Commonwealth of Massachusetts," stated Laurie Perry, Tribal Historic Preservation Officer. "Cooperation in preserving our historical sites and its culture is a testimony to the relationship that has been achieved by the Wampanoag Tribe of Gay Head (Aquinnah), federal and state agencies working together."

"The U.S. Army Corps of Engineers is committed to respecting tribal views and concerns as to the

management and preservation of tribally important sites or locations in New Bedford while completing the environmental remediation of the Acushnet River and environs," stated William Scully, Deputy District Engineer for Project Management. "The Corps looks forward to continuing to work closely with the Wampanoag Tribe of Gay Head (Aquinnah) throughout the remainder of this project and in future endeavors."

Approximately 18 acres will be surveyed by a team of archeologists. EPA had previously provided \$21,000 in

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funding to the tribe for an oral history interview study to identify culturally sensitive areas in the cleanup area. The study completed in the summer of 2001 uncovered fragments of pottery, stone tools and arrow heads, but none from the current Wood Street cleanup area. All discovered artifacts will be cleaned, catalogued and fully analyzed.

A Memorandum of Understanding between the agencies and the tribe guides the efforts to protect cultural or religious significant properties discovered during the cleanup of the New Bedford Harbor Superfund site.

The New Bedford Harbor Superfund cleanup plan calls for the dredging, dewatering and off-site disposal of approximately 200 acres of contaminated sediments and wetlands. EPA expects to construct three shoreline confined disposal facilities to permanently contain some of the contaminated sediment as well. Construction of the waterfront bulkheads for the dewatering facility is underway, and dredging of the harbor is scheduled to begin in 2004.

The New Bedford Harbor Superfund site encompasses all of the New Bedford Harbor and parts of Buzzards Bay. The harbor was contaminated with polychlorinated biphenyls (PCBs), the result of past waste disposal practices at two electrical component manufacturing plants. PCB wastes were discharged directly into the harbor as well as indirectly through the city's sewer system.

Fish and lobster from New Bedford Harbor and the Acushnet River estuary contain high levels of PCBs which can cause illness if eaten regularly. Since 1970, the Massachusetts Department of Public Health has issued restrictions on fishing and lobstering based on health risks from eating fish and lobster from the 18,000 acre New Bedford Harbor and the Acushnet River estuary. EPA added the harbor to its National Priorities list (commonly known as the Superfund) in 1983, making the site eligible for federal Superfund cleanup money.

"I want to remind people who fish in the area not to eat the fish or lobster caught in these waters," said Varney, adding that the single biggest risk to a person's health from the site is from consumption of PCB-contaminated seafood.

EJ Bill Introduced in Connecticut

The Connecticut Bill HB-6360 regarding environmental justice that was introduced in January has passed in the Joint Committee on Public Health, both the House and Senate Committees on Environment and the House Committee on Energy and Technology. If the bill passes a vote in both the House and Senate over the summer, it would make Connecticut the first New England state to enact an environmental justice law.

The bill defines EJ as the “equal protection and the meaningful participation of people of all races, cultures, and income levels in the development of laws, regulations and policies.” The bill states it “would protect Connecticut citizens from disproportionate exposure to emissions into the atmosphere, watercourses, groundwater or soil of the state.” The proposed legislation focuses particularly on burdens people bear by virtue of their place of residence, education, employment, recreation or projected class status under federal, state and local civil rights laws.

Beyond simply defining EJ, the bill requires the Connecticut Siting Council, the Connecticut, Bristol and Eastern Connecticut Resource Recovery



Authorities, and the Departments of Environmental Protection, Public Utility Control and Motor Vehicles to develop EJ action plans. The action plans would identify and address disproportionately high and adverse human health effects of a program, policy or activity on minority and low-income populations. Completed plans would be subject to review by the Connecticut Commission on Human Rights and Opportunities.

It is anticipated that the bill will be debated over the House and Sen-

ate floors over the summer. If legislators approve, the bill would have to be signed by the governor before becoming law.

National EJ Bill Introduced

Last October, Rep. Mark Udall (D-CO) and cosponsor Rep. Hilda Solis (D-CA) introduced H.R. 5637, “Environmental Justice Act of 2002.” The bill is largely modeled on Executive Order 12898, and would strengthen examination of environmental justice issues by, among other things, requiring “[e]ach analysis of environmental effects of Federal actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.) [to] include analysis of the effects of such action on human health and any economic and social effects on minority communities and low-income communities... when an Environmental Impact Statement is required under the National Environmental Policy Act.” The bill would also create a federal inter-agency working group to help develop environmental justice strategies, coordinate research, data collection, solicit public participation and develop model projects. In addition, the bill would create a Federal Environmental Justice Advisory Committee.

NC Federal Appeals Court Overturns Wake County Ruling

A North Carolina federal appeals court has ruled that Holly Springs residents have the right to sue state and county environmental officials over the permitting of a 470 acre landfill, which overturns previous courts’ findings. The three judge panel ruled that the 11th Amendment of the U.S. Constitution does

not prohibit citizens from filing an environmental justice-related lawsuit under Titles VI and VIII of the Civil Rights Act of 1968.

The court noted that Holly Springs “has long borne a disproportionate share of Wake County’s landfills.” The community of 12,000 residents contains three other landfills.

The lawsuit stems from allegations that state and county officials intentionally discriminated against minorities when siting undesirable landfills. Residents of Holly Springs, a predominantly African-American community, filed the lawsuit in 1999 after state officials issued Wake County a construction permit.

Office Notes

EPA Marks Earth Day by Volunteering in New England Cities

Each year, EPA New England's Urban Environmental Program (UEP) sponsors a variety of Earth Day events in cities throughout the region. This year, UEP held events in East Boston and Chelsea, Mass., Bridgeport, Conn. and Providence, R.I.

On April 30, all EPA employees were invited to participate in the event "Reach Out and Restore Chelsea Creek," which consisted of a community gardening project in Chelsea and the cleanup of an embankment along the Chelsea Creek in East Boston. EPA staff spent the day working with community partners from Neighborhood of Affordable Housing, the Chelsea Greenspace & Recreation Committee, the Chelsea Human Services Collaborative and United Way.

Volunteers in Chelsea weeded a community garden and built planters, while volunteers in East Boston collected more than 200 bags of trash—from large wooden pilings to refrigerator-sized pieces of styrofoam.

At the end of April, EPA staff and partnering agencies and community groups hosted a dozen environmental and health-related learning stations at the Roosevelt School. Students in grades K through 12 had the opportunity to learn



Volunteers removed the remains of a boat frame from the Chelsea Creek site. Pictured from left to right: ECO employee Julianne Pardi, EPA employee Shri Parikh, NOAA Program Coordinator Meghan McGrath, and EPA employees Susan Dushinski, Eric Beck and Bob Lim.



East Boston, Mass., site along the Chelsea Creek before cleanup.



Same site after cleanup.

about watersheds, lead poisoning, asthma, recycling, mercury, integrated pest management, brain injury, urban wildlife, smoking prevention, diesel, substance abuse and second hand smoke.

In late July, EPA staff and partnering community groups in Providence unveiled a vacant lot in the West End that has been restored into an urban pocket park. The event included a tree planting workshop.

EPA New England Launches New Desktop EJ Mapping Tool

In May 2003, EPA New England (NE) launched its new Environmental Justice (EJ) Mapping Tool, a computer mapping application available to all regional employees at their desktop. The tool provides EPA NE staff a means to help identify and analyze potential EJ issues, and it is the result of over a year of careful planning, development and evaluation as part of the regional EJ Action Plans for Fiscal Years 2002 and 2003.

The EJ Mapping Tool was designed to enhance the quality of EPA NE's work by providing easy access to consistent and reliable EJ-related data. By having demographic data readily available to help characterize communities throughout New England, EPA NE staff and management can better ensure that the principles of EJ, such as fairness and meaningful involvement, are incorporated into the office's everyday work.

What the Mapping Tool Does

The EJ Mapping Tool provides a visual representation of areas in New England where significant numbers of minor-

ity and low-income populations live. The raw data on race and income are drawn from the 2000 U.S. Census. The data are organized and presented visually by reference to geographic areas known as "block groups." Block groups are census-defined areas, generally containing between 600 and 3,000 people.

The EJ Mapping Tool uses race and income thresholds to identify potential EJ areas of concern since race and income are widely recognized as strong indicators of populations which might bear elevated environmental burdens. Making these data available to EPA personnel is crucial for better understanding an area, neighborhood or community about which regional decisions must be made.

Note that the identification of an area as a potential EJ area of concern due to the presence of significant minority or low-income populations does not, *by itself*, establish a disproportionate environmental or human health impact. Conversely, it is possible that EJ concerns exist in areas not mapped as a potential EJ area by the EJ Mapping Tool.

Possible Uses of the Mapping Tool

Grants - A Brownfields grant program coordinator must decide from among multiple grant applications. In the process of her deliberations, she wishes to know whether any applicant's sites are located within any potential EJ areas of concern. By employing the EJ Mapping Tool, she can readily determine if any properties relevant to the grant requests are in or near areas with significant numbers of minority or low-income residents. She can also learn more about each neighborhood by overlaying relevant data fields. Such information better informs her decision-making.

Enforcement - An inspector has a list of metal platers that have yet to be inspected by EPA or State regulatory personnel. He can only conduct 10 inspections to remain within his workload limits but the list includes more than 30 sources. While he knows he wants to inspect both large and small facilities, he has a hard time deciding which should be the focus of his efforts. He decides that it would be useful to access EJ-related information before deciding where to inspect so he reviews information in the EJ Mapping Tool to help him better understand the nature of the areas in which the facilities are located.



EPA New England GIS Coordinator Deborah Cohen and Onsite GIS Contractor Analyst Christine Foot examine a map created with the new tool.

For more information on the EJ Mapping Tool contact Deborah Cohen, EPA NE GIS Coordinator at 617-918-1145 or Cohen.Deborah@epa.gov.

Office Notes

Students Work on Community Projects Through EPA Funded Internships

Four students will work on community projects this summer in Providence, R.I., and Cambridge and North Easton, Mass., through a paid internship program funded by the EPA. Since 2000, the EPA Office of Environmental Justice (OEJ) in Washington, D.C., has managed the Community Intern Program under a cooperative agreement with the Environmental Careers Organization, Inc., to place students in local community organizations.

Participating students experience environmental protection at the grassroots level and learn about methods used by these local organizations to address local environmental issues. The program also provides an opportunity for EPA to strengthen existing partnerships and to create new ones with community organizations.

The successful program has grown to place about 30 students a year in community internships all across the country. This summer in New England, two interns will work in Providence, R.I., at the Childhood Lead Action Project and HELP Lead Safe Center; one intern will work for Green Roundtable in Cambridge, Mass.; and one intern will work for New England Public Employees for Environmental Responsibility in North Easton, Mass.



More than 1,900 students from all parts of the U.S., from varied ethnic backgrounds, and all academic levels (undergraduate, graduate and doctoral) have participated in the program and been trained in challenging science, engineering, management, education and policy-related projects. Several of these students come from historically black colleges, Hispanic serving institutions, Asian serving institutions and tribal colleges.

If your organization might be interested in/benefit from having a summer intern, please visit the OEJ website at: www.epa.gov/compliance/environmentaljustice/interns/index.html and follow the link to the Summer Intern Program flyer. All project description forms must be received by ECO before Jan. 31, 2004, for placement next summer.

Florence Han, an undergraduate student at Yale, worked for Women of Courage last summer through the Community Intern Program to conduct environmental health research on the high incidence of lupus in Roxbury, Mattapan and Dorchester, Mass.

cont. from page 1 Paint Hazard

England, especially in older cities such as Providence where hundreds of children are exposed to lead hazards each year. Today's case should send a message that landlords and property owners should be working with us, not against us, in doing all that we can to reduce the risk of childhood lead poisoning."

Lead Hazards

Elevated blood-lead levels in young children can cause learning disabili-

ties, reduced IQ, developmental delays, slowed growth, hearing problems, damage to the brain and nervous system and, in rare cases, even death. Lead poisoning is also harmful to adults, especially pregnant women.

Cited by the State of Rhode Island

According to records maintained by the state of Rhode Island, at least nine children have been identified as having elevated blood-lead levels in DeLuca's properties. DeLuca was

cited four times by the Rhode Island Department of Health and the Rhode Island Attorney General's Office for failing to abate lead paint hazards in four units in which a child had been significantly lead-poisoned.

Federal Consent Decree

DeLuca owns and manages 32 apartments in Providence—primarily in Olneyville—that are subject to the Consent Decree announced today. He was accused of failing to inform his tenants of potential lead hazards on

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Publication Updates

EJ & Transportation: A Citizen's Handbook

In January, the Institute of Transportation Studies at the University of California, Berkeley, issued a citizen's handbook designed to help those who are new to transportation decision processes influence how environmental justice is incorporated into decisions about transportation policy and projects. Download a complete copy of the report at: www.its.berkeley.edu/publications/ejhandbook/ejhandbook.pdf.

EPA Report Analyzes Environmental Contamination and Children's Health

In February, the EPA released a second edition report titled *America's Children and the Environment: Measurements of Contaminants, Body Burdens, and Illnesses*. This peer reviewed report includes trend information on a number of environmental contaminants in air, soil, water and food; data on the concentrations of contaminants in women and children; childhood illnesses; and emerging issues, such as, mercury in fish and attention-deficit/hyperactivity disorder. According to EPA Administrator Christine Todd Whitman, "the report contains good news for children including the continued decline in the number of children with elevated blood lead levels, a reduction in children's exposure to secondhand smoke, and decreases in exposures to air pollution and contaminants in drinking water." The report also notes that asthma rates are increasing, too many children continue to have elevated blood lead levels, the potential for mercury exposure in the womb is of growing concern and there is a disproportionate impact of childhood diseases on low-income and minority children. The report can be accessed at: www.epa.gov/envirohealth/children.

CDC Issues School Asthma Management Guide

The Centers for Disease Control and Prevention (CDC) has issued the guide "Strategies for Addressing Asthma Within a Coordinated School Health Program" to offer concrete suggestions for schools working to improve the health and school attendance of children with asthma. The six strategies are to: establish appropriate management and support systems; provide appropriate health and mental health services for students with asthma; offer a safe and healthy school environment to reduce asthma triggers; provide asthma education and awareness programs for students and staff; establish safe, enjoyable physical education and activity opportunities for students with asthma; and coordinate school, family and community efforts to manage asthma symptoms and reduce absences. The guide can be downloaded at: www.cdc.gov/healthyyouth/healthtopics/asthma.

Lead Poisoning Tool Kit Now Available

The Alliance to End Childhood Lead Poisoning has produced "The Community Tool Kit: an Advocate's Tool for Improving Lead Screening in Your Community." This tool kit describes how community members and advocates can effectively target blood lead screening to reduce childhood lead poisoning. The tool kit is divided into three sections which describe why to focus on Medicaid lead screening, how to target screening to reach the children most at risk and how to ensure intensive screening for children in targeted populations. Download the tool kit at: www.aeclp.org and select the "Publications" link.

Census 2000 Special Reports

The Census 2000 Special Report series provides in-depth analysis of Census 2000 population and housing topics to the public. The Census 2000 Special Report series are analytic tools that provide analysis of the data the U.S. Census Bureau collects, particularly in the areas of geographic distribution, race and ethnicity, immigration, and other areas of demographic research. Currently available include "Mapping Census 2000: The Geography of U.S. Diversity," "Racial and Ethnic Residential Segregation in the U.S.: 1980-2000" and "Demographic Trends in the 20th Century." These reports and others can be downloaded at: www.census.gov/population/www/cen2000/briefs.html.

Developing a Tribal Implementation Plan

A Tribal Implementation Plan (TIP) is a set of regulatory programs a tribe can develop and adopt to help attain and/or maintain national air quality standards for six common air pollutants: carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, particulate matter and ozone. A TIP may be one part of a broader tribal management program that may also include programs to enforce federal limitations on other pollutants, monitor air quality, inventory emissions, issue stationary source operating permits and address indoor air pollution. Guidance on "Developing a Tribal Implementation Plan" is now available and is intended to help tribal environmental staff assess the need for a TIP, explain the different program elements that a TIP may consist of and provide EPA suggestions on how to develop a TIP if a tribe chooses to do so. The guidance can be accessed at: www.epa.gov/air/tribal/tip2.html.

Office Notes

OEJ Celebrates 10 Year Anniversary

Ten years after EPA established the Office of Environmental Justice, many gathered at the steps of EPA headquarters in Washington, D.C., last November to celebrate and reflect on a decade of EJ effort.

"We have a maturing program," said OEJ's Director, Barry Hill, as he opened the ceremony. "Still evolving, unfolding, progressing, de-

veloping and advancing."

Hill graciously mentioned past successes, but renewed the office's commitment to mature "until all communities obtain environmental justice."

EPA New England's Regional Administrator, Robert W. Varney, also spoke at the event and highlighted the region's continued commitment to EJ, noting the regional EJ training program, ongoing community listening sessions and several grant programs for which EJ is a funding priority.

"In October 2001, EPA New England simultaneously issued its first EJ Action Plan for Fiscal Years 2001 and 2002 along with the revised EJ

Policy," Varney commented.

He outlined the six independent-yet-interrelated strategies, Communication, External Stakeholder Engagement, Mapping, Organizational Engagement, Training and Evaluation, which work to strengthen relationships between regional staff and the community. In 2003, the action plan was revised and expanded with the addition of a subcommittee dedicated to the region's EJ Inventory, a desktop database of all EJ-related activities.

Varney closed by proudly reaffirming EPA New England's dedication to EJ and to communities that may experience disproportionate environmental burdens.



cont. from page 2 NEJAC

NEJAC annually makes recommendations to the EPA Administrator for the appointment of Council Chair, Council Vice Chair, Subcommittee Chairs and Subcommittee Vice Chairs. Currently, no one has been appointed for the upcoming year. Veronica Eady, a lecturer at Tufts University in the Department of Urban & Environmental Policy and Planning, will serve as the acting chair until someone is appointed.

(see *Personal Profile* on page 3)

The next NEJAC meeting will be held April 13-16, 2004, in New Orleans, Louisiana. The meeting will examine the relationship between environmental justice and cumulative risk/impacts. For more information visit: www.epa.gov/compliance/environmentaljustice/nejac/next_meeting.html

Pilot Online Tool Details Facilities' Compliance

Last November, EPA launched a pilot website that allows the public and industry to access the current environmental compliance record of more than 800,000 regulated facilities nationwide, including nearly 60,000 facilities in New England. The Enforcement and Compliance History Online (ECHO) system provides users detailed facility reports, which include:

- Federal and State compliance inspections;
- Environmental violations;
- Recent formal enforcement actions taken; and
- Demographic profile of surrounding area.

The easy-to-use web tool, found

at www.epa.gov/echo, integrates EPA and state compliance information for facilities regulated under the Clean Air Act, Clean Water Act and Resource Conservation and Recovery Act (RCRA). Data reports are updated monthly and cover a two-year period.

EPA sought public comments on ECHO through March, and is now reviewing the comments received. ECHO remains online as a pilot site.



Since 1999, Upper Room Unlimited (URU), a nonprofit organization serving Connecticut and New York, has delivered *This is Where I Live*, a program geared toward creating environmentally literate adults by educating today's urban youth.

"Many urban youth feel removed from the mainstream environmental movement," according to the URU, an organization dedicated to educating socio-economically disadvantaged youth and adults. Responding to views such as "littering gives people jobs," and "recycling is for white people," URU has developed *This is Where I Live*.

Q. What is the "This is Where I Live" Program?

A. The "This is Where I Live" program is an interactive play complemented with several different hands-on workshops. The program delivers environmental awareness, education and tools in order to encourage inner-city youth to solve environmental problems affecting their community. The program strives to communicate with children in their language. The play and workshops are easily digestible for students of all ages and abilities.

Q. What communities does this project serve?

A. The project targeted inner-city youth in the cities of Hartford and New Haven, Conn. The communities are mostly low-income and minority areas. Approximately 1,500 students from five urban schools participated in the program. The students ranged from fourth grade to eighth grade.

Q. How are the particular schools chosen?

A. Building on existing partnerships and relationships, URU tries to bring this program to schools that lack extra-curricular activities. Communities that normally wouldn't have access to this type of programming are a high priority. The goal of URU is to target the underserved communities. However, we have found that the same curriculum works in a suburban setting.

Q & A

How to build environmental awareness among low-income youth; Upper Room Unlimited(URU) explains their Connecticut Program.

Q. Are local businesses or organizations involved?

A. For the workshop portion of the project, URU brings in the expertise of local organizations such as the Quinnipiack Rivershed Association, New Haven Regional Water Authority and Schooner, Inc. Workshops and field trips are designed by the partner with the particular school's needs in mind. These opportunities allow students a hands-on learning experience that compliments their classroom work.

Q. What are some of the themes or issues addressed in the project?

A. The program emphasizes that this is the students' environment and that they have rights. Students are encouraged to protect and conserve their environment. The play addresses everyday environmental issues that plague the urban community. The play features several main characters including the Kid of the Future, who is clad in garbage and debris, Mother Nature and Mr. Pollution, the villain. Children watch as Mr. Pollution tries to stop Kid of the Future and Mother Nature from opening the magic box. However, each time the Kid of the Future and Mother Nature successfully open the box, a new solution to an environmental problem is introduced. The solutions are tailored for students. They

include writing to your representative, riding a bike to reduce air pollution, wasting less water and recycling cans. These examples are meant to empower students to take ownership of their environment and to improve it using simple solutions.

Q. How are the solutions made more accessible to the students?

A. The solutions are presented in a language that students understand. With the wide diversity of the student audience, the play tries to connect all these different cultural backgrounds. Songs are performed in several different styles including hip hop, rap, and blues. These styles are familiar to students and tend to have the most impact.

Visual cues are also used to address environmental issues. Kid of the Future, who in the beginning of the performance is clad in garbage, slowly sheds the debris as a new solution is introduced. At the end of the performance, the Kid of the Future is dressed like a normal child—implying that if students follow the advice found in the magic box, they too can eliminate the garbage.

Q. What has the response been from teachers and students?

A. The response from both teachers and students has been fabulous. Teachers have asked URU to return on several occasions. Students are also delighted and leave with a greater understanding of their surrounding environment.

Q. What is the greatest success of the project?

A. Watching students leave the performance still singing the different songs is one of the greatest successes.

Q. What are some of the specific EJ issues addressed?

A. It is a capacity-building experience for both the students and the other partners. We try to teach all involved, students and partners, to be more culturally sensitive.

cont. from page 9 **Paint Hazard**

at least 66 occasions. In the Consent Decree, DeLuca agreed to test for the presence of lead-based paint and lead-based paint hazards in his properties, remove interior and exterior lead-based paint and lead-based paint hazards, remediate any lead-contaminated soil and pay a total of \$13,090 in penalties.

The DeLuca case is among half a dozen civil and criminal cases EPA's New England Office has taken since launching an initiative to make sure landlords and property owners are complying with federal laws, which require them to notify tenants and prospective buyers of potential lead-paint hazards in their buildings. The initiative has included more than 80 inspections around New England, many of which have been conducted jointly with HUD, as well as compliance assistance workshops.

The Residential Lead-Based Paint Hazard Reduction Act of 1992

The lead disclosure rule promulgated under the federal Residential Lead-Based Paint Hazard Reduction Act requires landlords and sellers of hous-

ing constructed prior to 1978 to: provide buyers and renters an EPA-approved lead hazard information pamphlet; include lead notification language in sales and rental form; disclose any known lead-based paint and lead-based hazards in the housing and provide available reports to buyers and renters; and maintain records certifying compliance with federal

Nationally, DOJ, HUD and EPA have jointly resolved 11 enforcement actions affecting over 150,000 apartments.

laws for a period of three years. Sellers, lessors, and real estate agents all share responsibility for such compliance.

Nationally, DOJ, HUD and EPA have jointly resolved 11 enforcement actions affecting over 150,000 apartments. These cases have resulted in \$339,000 in civil penalties, \$358,750 directed to community-based projects to reduce lead poisoning, and commitments by landlords to pay

more than \$16 million to address lead-based paint hazards in affected units. These numbers do not reflect additional administrative cases resolved by HUD and EPA.

Nearly 1 million of the nation's 22 million children under the age of six have blood-lead levels high enough to impair their ability to think, concentrate and learn. The Centers for Disease Control and Prevention reports that childhood lead poisoning remains one of the most widespread childhood diseases. While average blood-lead levels have declined over the past decade, one in six low-income children living in older housing are lead-poisoned.

For more information on how to comply with the lead disclosure rule, please visit www.hud.gov/offices/lead/disclosurerule or www.epa.gov/ne/compliance/enflead.html.

To report a disclosure rule violation to EPA or HUD, please call 1-800-424-LEAD or visit the EPA New England website at www.epa.gov/ne/compliance/enflead.html#1018.

For information on lead poisoning prevention in Rhode Island, please visit the DOH website at www.healthri.org/family/lead/home.htm or call the RI Family Health Information hotline at 1-800-942-7434.

cont. from page 3 **EJ Profile**

coming out of the various NEJAC sub-committees.

"A report from the International Subcommittee is being released on the U.S. and Mexico border," said Eady. "The report has been in the works for years, and I am hoping there will be more similar reports."

Eady said she was happy to be able to transition into academia during the last year.

"I am no longer a government official, so it freed me up to get involved in activism," said Eady, who has become involved in a multitude of organizations and projects in the area.

Through Tufts, Eady has been working to create university-community partnerships that advance EJ goals. Her students have

worked in Dorchester, Mass., over the last year on a field research project on EJ security and sustainability.

Eady is also involved with the Washington St. Corridor Coalition and the Alternatives for Community and Environment's (ACE) T Riders Union. She also serves on the Boards of Directors for Earth Island Institute in San Francisco, the Community Rights Council in Washington, D.C., and the Boston Greenspace Alliance. She is the author of "Environmental Justice in State Policy Decisions," *Just Sustainability: Development in an Unequal World*, ed. by Julian Agyeman, Bob Bullard, and Bob Evans. Earthscan and MIT Press.

Eady is the former executive director of ACE, an environmental justice law and education center in Roxbury, Mass. Prior to that, Eady was a faculty member at Stanford Law School, running its Environmental Justice Clinic, and is a former visiting scholar at Golden Gate Law School in San Francisco and at Irkutsk State University in Irkutsk, Russia in where she helped create the first environmental law clinic in the Russian Federation. Eady is a graduate of the University of Southern California with a bachelor's degree in journalism, and she earned her law degree for the University of California Hastings College of the Law.

Owner of Central Landfill Settles Clean Air Act Case with EPA and DOJ; \$5 Million to Curb Landfill Gas

The U.S. Department of Justice and the EPA announced in December that the owner/operator of the Central Landfill in Johnston, RI, will be spending more than \$5 million on air pollution control measures as part of a settlement of alleged Clean Air Act violations. The settlement was filed in the U.S. District Court in Providence on Dec. 20.

Stemming from an EPA investigation that began in the late 1990s, the settlement with the RI Resource Recovery Corp. (RIRRC) requires payment of a \$321,000 penalty and installation of additional pollution control systems that will substantially improve collection and control of land-

fill gas at the 190-acre landfill which handles most of the state's household and commercial waste. Noxious odors from the landfill gas have been a long-standing source of complaints among residents living near the landfill.

"This landfill case is further evidence that EPA is fully committed to enforcing new source review and other clean air requirements to the maximum extent possible," said J.P. Suarez, Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance. "It is a major victory for Rhode Islanders living in close proximity to this facility."

"This agreement will result in significant reductions in gas emissions

from the Central Landfill," said Robert W. Varney, EPA New England Regional Administrator. "Controlling and capturing landfill gas is a complex challenge and these required changes should lead to significant improvements in air quality."

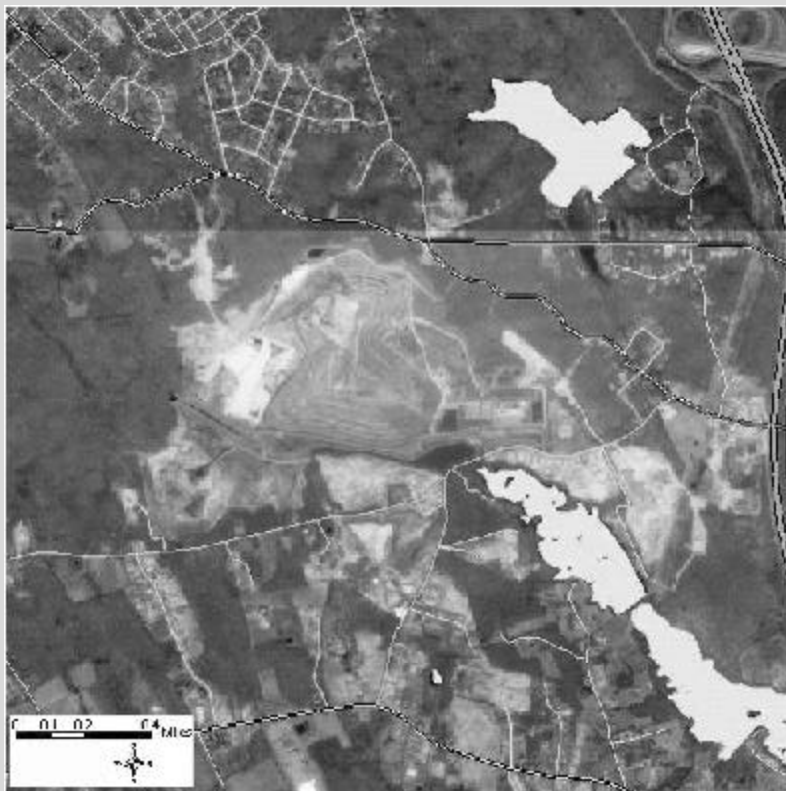
"[The] settlement represents resolution of one of the first enforcement actions in the nation for violations of New Source Review under the Clean Air Act at a solid waste landfill," added Tom Sansonetti, Assistant Attorney General at the DOJ's Environment and Natural Resources Division. "This is further evidence of the government's efforts to protect our environment

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Among the specific improvements required under the settlement:

- Installation of 14 horizontal landfill gas collection trenches in the upper altitudes of Phases II and III (this work was completed in fall 2001);
- Continuation of the ongoing installation of an extensive landfill gas collection trench system in all altitudes of Phase IV;
- Installation, over the next four years, of cover and capping materials on Phases II and III to trap escaping landfill gas, limit water infiltration into the waste, and increase the efficiency of already existing collection and control systems. (This work schedule is far more aggressive than what would be required under state law.)
- Installation, within the next year, of an ultra-low emissions flare which will burn landfill gas substantially cleaner than most flares currently on the market.

The cost of implementing these control measures is estimated at more than \$5 million.



Aerial view of the Central Landfill

U.S. Settles Clean Air Act Case Against Toyota; Some School Buses to Run Cleaner As Part of Settlement

The U.S. Department of Justice (DOJ) and the EPA finalized a settlement in March of the government's lawsuit against Toyota Motor Corporation for Clean Air Act violations involving 2.2 million vehicles manufactured between 1996 and 1998.

Under the settlement, Toyota will spend \$20 million on a supplemental environmental project to retrofit up to 3,000 public diesel fleet vehicles to make them run cleaner and extend the emission control system warranty on affected vehicles. In addition, Toyota will accelerate its compliance with certain new emission control requirements, and pay a \$500,000 civil penalty. The settlement will cost Toyota an estimated \$34 million.

The U.S. alleged Toyota sold 2.2 million vehicles which were different from those described in its application for Certificates of Conformity, which allow vehicles to be legally sold if they meet Clean Air Act emission standards. The government's lawsuit charged Toyota failed to disclose limitations in the operation of that part of the on-board diagnostic system that checks for leaks in vehicles' evaporative emission control systems. As a result, the on-board diagnostic system would not promptly signal drivers to a problem by lighting their dashboard light. Emission control system leaks need to be noticed and repaired because fuel vapors into the atmosphere contribute to ozone pollution.

The supplemental environmental project requires Toyota to spend \$20 million to retrofit up to 3,000 diesel vehicles, including older, high-polluting school buses and municipal buses (which are not manufactured by Toyota) with pollution control equipment, such as catalytic converters, filters or whole engines. This retrofit, along with the purchase of ultra-low

sulfur fuel (which Toyota may subsidize) is expected to eliminate up to 220 tons of particulate matter emissions, 1,200 tons of hydrocarbon emissions and 15,000 tons of carbon monoxide emissions.

School children near school buses, as well as pedestrians, are particularly likely to experience high exposure to diesel particulate matter.

Diesel particulate is classified as a probable human carcinogen and is known to exacerbate the effects of asthma and heart disease. More than 24 million children across the nation ride diesel buses to school.

"This settlement is another milestone by this Administration in our work to produce cleaner air for the American people. With this bus retrofit action, our nation's school children will be breathing less of the small particles that can cause lung and respiratory damage," said EPA's Administrator Christine Whitman. "This action is a reminder to all drivers that their vehicle's engine light plays an important part in keeping vehicles running clean and protecting the environment."

"Vehicle manufacturers must make all required disclosures so that EPA can carry out its responsibilities to ensure clean air," said Thomas L. Sansonetti, the DOJ's Assistant Attorney General for the Environment and Natural Resources Division. "This settlement makes clear that we will enforce these requirements vigorously."

The settlement also requires

Toyota to accelerate, by approximately one year, its compliance with EPA's new "near-zero" evaporative emissions regulation, which requires the capture of more gasoline vapors. Due to this accelerated compliance, about 1.4 million new Toyota vehicles manufactured from 2004 to 2006, which would not yet be subject to the new regulation, will be built with more robust evaporative emission control systems. The accelerated compliance schedule is estimated to cost Toyota about \$11 million.

The case, filed in federal District Court in Washington, D.C., involves model year 1996 through 1998 vehicles, including some Camry, Avalon, Corolla, Tercel, Paseo, Lexus, Sienna minivans, 4Runner, RAV4, Tacoma and T100 models.

The settlement requires Toyota to notify affected owners of the warranty extension within the next 12 months. The evaporative emission control system warranty will be extended from the current two years or 24,000 miles to 14 years or 150,000 miles. The extended warranty is estimated to cost Toyota about \$3 million, and will reduce emissions of hydrocarbons by affected vehicles by an estimated 30 tons, in addition to the 1,200-ton reduction of hydrocarbons achieved by the supplemental environmental project.

Owners who have not received a notice within 12 months are encouraged to contact their local Toyota dealer. Owners who smell gasoline or whose malfunction indicator light illuminates should contact their mechanic to determine whether a repair under the extended warranty is indicated. A small number of affected vehicles are expected to have any such malfunction at this time, which is why the government did not consider a recall in this case.

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for America's future generations and to work with industry to reduce the levels of harmful pollutants and noxious odors in our air."

The landfill gas control and other compliance measures RIRRC has already implemented as a result of EPA's enforcement action have significantly decreased the amount of landfill gas being emitted from the landfill. Based on information obtained by the EPA from the RI Department of Environmental Management, these compliance measures have also reduced the frequency and severity of odors emanating from the landfill. Further improvement is expected in the future based on additional measures RIRRC has committed to undertake as part of this settlement.

The new pollution control sys-

tems will result in the capture and control of about 30,350 tons of methane (a greenhouse gas) and 215 tons of volatile organic compounds (which contribute to smog) between now and 2010. The additional equipment is designed to boost the facility's overall capture/control efficiency of landfill gas to 90 percent or better. As part of the settlement, RIRRC has already purchased or surrendered 175 tons of emissions credits—allowances to emit smog-causing pollutants—to mitigate excess emissions that resulted from violations found during the EPA investigation.

The settlement requires improvements at numerous areas of the Central Landfill, which consists of four landfill phases. Phase I of the Central Landfill opened in 1955 under previous ownership and was closed in 1993. (These are being

cleaned up under EPA's Superfund Program.) Phases II and III began accepting waste in the 1990s and Phase IV began accepting waste in September 2000.

EPA launched its investigation in July 1999. In 2000, EPA issued two administrative orders and one notice of violation to RIRRC for: failure to obtain pre-construction permits and install appropriate controls for Phases II, III and IV as required by the New Source Review requirements in the RI Air Pollution Control Regulation; failure to conduct certain monitoring, testing and record keeping required by the federal New Source Performance Standards for Municipal Solid Waste Landfills which are designed to minimize landfill gas emissions; and failure to apply for and obtain a required facility-wide Title V operating permit.

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Web Resources

EPA New England Environmental Justice Program website

<http://www.epa.gov/ne/steward/ejprog/index.html>

National Office of Environmental Justice

<http://es.epa.gov/oeca/main/ej/index.html>

National Environmental Justice Advisory Council

<http://es.epa.gov/oeca/main/ej/nejac/index.html>

National Office of Civil Rights

<http://www.epa.gov/ocrpage1/aboutocr.htm>

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